



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,231	01/22/2004	Hisaki Miyamoto	P24492	2037

7055	7590	11/23/2007
GREENBLUM & BERNSTEIN, P.L.C.		
1950 ROLAND CLARKE PLACE		
RESTON, VA 20191		

EXAMINER
MAKI, STEVEN D

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
11/23/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/761,231	Applicant(s) MIYAMOTO ET AL.	
	Examiner Steven D. Maki	Art Unit 1791	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see advisory action attachment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 7-14.
 Claim(s) withdrawn from consideration: 1-6.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

Advisory Action Attachment

new issue

The new issue is adding the subject matter of claim 13 to claim 7 without canceling claims 8, 11 and 12 (which are directly dependent on claim 7). In other words, the amendment to claim 7 in the after final amendment filed 11-6-07 creates new combinations in dependent claims 8, 11 and 12. The remaining changes do not constitute new issues.

remarks

With respect to Japan 786, applicant argues that the decompressing of the adhesive in Japan 786 is not the same as the claimed feature of applying suction because the decompression may merely refer to a release of pressure which does not necessarily result in a "suction" force being applied to an object. This argument is not persuasive. Japan 786 reduces pressure so that bubbles can be removed from the adhesive. As to a suitable reduced pressure, Japan 786 describes a pressure of 200 Torr (200 mm Hg). See paragraph 15 of machine translation. Since this pressure of 200 Torr (200 mm Hg) is lower than atmospheric pressure (1 atm = 760 mm Hg), Japan 786 teaches applying suction as claimed. Applicant also argues that Japan 786 fails to disclose applying suction while provisionally bonding the substrates. This argument is not persuasive. Japan 630 and Japan 786 are both directed to bonding substrates together with adhesive to make an optical disc. Japan 630 is relied upon for the disclosure for provisionally bonding using adhesive. Japan 786 is relied upon for teaching applying suction to remove bubbles from adhesive. One of ordinary skill in the

art would readily appreciate that maintaining the suction while provisionally bonding would ensure removal of bubbles. See paragraphs 12, 15 and 18 of machine translation of Japan 786. In particular, note "adjusting extent to decompress according to the viscosity of the adhesive" (paragraph 12) and "maintaining the condition" (paragraph 15).

With respect to Japan 137 and Japan 242, applicant argues that element 41 of Japan 137 moves axially instead of radially and that Japan 242 merely discloses three measuring terminals 4 positioned within an inner circumferential periphery of an annular sheet 1. These arguments are not persuasive. Japan 242 motivates one of ordinary skill in the art to improve alignment during manufacture of an optical disc by using a "centerer" comprising three "pins". The "pins" 4 of Japan 242 are retractably extendable in the radial direction to contact the inner periphery of the sheet 1 to align this sheet and are also used to align sheet 7. See pages 5 and 6 of translation; it being noted that Japan 242 teaches that the disks may be bonded without a spacer ring (lines 1-3 on page 5 of translation). With respect to Japan 137, examiner disagrees with applicant that this reference does not disclose radially movable pins. The three "pins" 6 in Japan 137 are radially extendable using the element 4 of the air cylinder 3. The "pins" 6 in Japan 137 function substantially the same as the "pins" 4 in Japan 242. Compare figure 1 of Japan 137 with figure 2 of Japan 242. It is noted that claim 9 fails to require the pins to contact both substrates at the same time.

With respect to Japan 474 and Beacklund, applicant argues that Japan 474 merely detects the thickness of the disk and that Baecklund is directed to measuring the

Application/Control Number:
10/761,231
Art Unit: 1791

Page 4

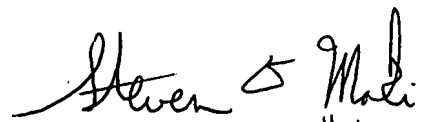
thickness of coatings and not adhesives positioned between substrates. More properly, Japan 474, which teaches that the adhesive for bonding substrates of an optical disk should have a thickness of 100 micrometers or less, recognizes that thickness is a parameter during manufacture of a bonded optical disc and that Baecklund suggests measuring and controlling the thickness of adhesive for bonding two substrates together.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki
November 17, 2007


STEVEN D. MAKI
PRIMARY EXAMINER 11-17-07